reviewed the application of a state statute that was similar to section 441b to a nonprofit state chamber of commerce. The chamber did not itself engage in traditional business activities. However, its bylaws set forth ''varied purposes * * * several of which [were] not inherently political.'' 494 U.S. at 662. For example, it distributed information related to social, civic and economic conditions, trained and educated its members, and promoted ethical business practices. The Court noted that ''[m]any of its seminars, conventions, and publications [were] politically neutral and focus[ed] on business and economic issues,'' that were ''not expressly tied to political goals.'' *Id.* Thus, even though it was not engaged in a business for profit, ''[t]he Chamber's nonpolitical activities * * * suffice[d] to distinguish it from [Massachusetts Citizens] in the context of this characteristic.'' *Id.* at 663.

With regard to the acceptance of corporate contributions, the Court was even more emphatic, saying that ''[o]n this score, the Chamber differs most greatly from [Massachusetts Citizens].'' *Id.* at 664. The Court said that, under *MCFL,* nonprofit organizations that accept contributions from business corporations are not entitled to any exemption from section 441b, and pointed out that if the rule were otherwise, ''[b]usiness corporations * * * could circumvent the Act's restriction by funneling money through [a nonprofit organization's] general treasury.'' *Id.* The Court concluded that, under this standard, the Chamber was not entitled to any exemption from the state's version of section 441b. ''Because the Chamber accepts money from for-profit corporations, it could, absent application of [the state corporate expenditure prohibition], serve as a conduit for corporate political spending.'' *Id.*

The Commission continues to believe that section 114.10 accurately interprets these two Supreme Court cases, and the decisions of several other courts support this conclusion. In *Clifton* v. *FEC,* 114 F.3d 1309 (lst Cir. 1997), *cert. denied,* 118 S. Ct. 1306 (1998), the First Circuit said the *MCFL* Court ''stressed as 'essential' the fact that the anti-abortion group there involved did not accept contributions from business corporations or unions * * *. This was important to the Court because it had previously sustained the right of Congress to limit the election influence of massed economic power in corporate or union form.'' *Id.* at 1312. Since the nonprofit corporation involved in that case accepted contributions from other corporations, the Court concluded that it was not entitled to the *MCFL* exemption, saying that it fell ''somewhere between the entity protected in [*MCFL*] and that held unprotected in *Austin*.'' *Id.* at 1312–13. The First Circuit also said a *de minimis* rule regarding the acceptance of corporate contributions would be inconsistent with the *Austin* decision. *Id.* at 1313.

In dictum, the D.C. Circuit has also expressed support for the Commission's interpretation of this aspect of the *MCFL* decision. ''[T]he *MCFL* constitutional exemption * * * requires that the organization * * * not accept contributions from labor unions or corporations.'' *Akins* v. *FEC,* 101 F.3d 731, 742 n.10 (D.C. Cir. 1996) (*en banc*) (dictum), *cert. granted,* 117 S. Ct. 2451 (1997).

Two district courts have also supported the Commission's interpretation. In *FEC* v. *NRA Political Victory Fund,* 778 F. Supp. 62 (D.D.C. 1991), *rev'd on other grounds,* 6 F.3d 821 (D.C. Cir.), *cert. dismissed for want of jurisdiction,* 513 U.S. 88 (1994), the court concluded that unless a corporation can show that it does not in fact accept contributions from business corporations or unions or has a policy ''equivalent to that of MCFL'' of not accepting such contributions, it does ''not fit in the group of organizations affected by the *MCFL* holding, a group which the Court acknowledged * * * would be ''small,''' 778 F. Supp. at 64 (quoting *MCFL,* 479 U.S. at 264).

The district court in *Faucher* v. *FEC,* 743 F. Supp. 64 (D. Me. 1990), *aff'd,* 928 F.2d 468 (1st Cir.), *cert. denied,* 502 U.S. 820 (1991), reached a similar conclusion.

> In [*MCFL*], the Supreme Court made clear that one of the ''essential'' factors for its holding was that the nonprofit corporation there did not receive, *and had a policy of not receiving,* any corporate funds. * * * [A]lthough the amounts received by [the plaintiff nonprofit organization] from corporations have been comparatively modest, they are obviously not subject to any control. Without an explicit policy against contributions from corporations, the risk remains that an organization like [the plaintiff] could ''serv[e] as [a conduit] for the type of direct spending that creates a threat to the political marketplace.'' * * * It is this potential for influence that supports the restrictions on corporate funding.

743 F. Supp. at 69–70 (emphasis in original; quoting *MCFL,* 479 U.S. at 264).

In sum, both because it is well settled that a decision by one circuit court of appeals is not binding in other circuits, and because the Commission believes the challenged regulation reflects a correct reading of controlling Supreme Court precedent and is therefore constitutional, the Commission has decided not to open a rulemaking in response to this Petition.

Therefore, at its open meeting of May 21, 1998, the Commission voted not to initiate a rulemaking to revise its regulations regarding qualified nonprofit corporations, found at 11 CFR 114.10. Copies of the General Counsel's recommendation on which the Commission's decision is based are available for public inspection and copying in the Commission's Public Records Office, 999 E Street, NW, Washington, DC 20463, (202) 694–1120 or toll-free (800) 424–9530. Interested persons may also obtain a copy by dialing the Commission's FAXLINE service at (202) 501–3413 and following its instructions. Request document #233.

Dated: May 22, 1998.

Joan D. Aikens,

Chairman, Federal Election Commission.

[FR Doc. 98–14193 Filed 5–28–98; 8:45 am]

BILLING CODE 6715–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–CE–30–AD]

RIN 2120–AA64

Airworthiness Directives; Pilatus Aircraft Ltd. Model PC–7 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to adopt a new airworthiness directive (AD) that would apply to certain Pilatus Aircraft Ltd. Model PC–7 airplanes. The proposed AD would require replacing the seal unit on both main landing gear (MLG) legs and the nose landing gear (NLG) leg. The proposed AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Switzerland. The actions specified by the proposed AD are intended to prevent MLG or NLG failure caused by deterioration of a MLG or NLG leg seal unit, which could result in damage to the airplane or airplane controllability problems during takeoff, landing, or taxi operations.

DATES: Comments must be received on or before July 3, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation

Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 98–CE–30–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from Pilatus Aircraft Ltd., Customer Liaison Manager, CH–6371 Stans, Switzerland; telephone: +41 41 619 6509; facsimile: +41 41 610 3351. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Roman T. Gabrys, Aerospace Engineer, Small Airplane Directorate, Airplane Certification Service, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone: (816) 426-6932; facsimile: (816) 426–2169.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 98–CE–30–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 98–CE–30–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The Federal Office for Civil Aviation (FOCA), which is the airworthiness authority for Switzerland, recently notified the FAA that an unsafe condition may exist on certain Pilatus Model PC–7 airplanes. The FOCA of Switzerland reports two cases of improper landing gear extension after take-off. These incidents are attributed to deterioration of the MLG or NLG seal unit.

These conditions, if not corrected in a timely manner, could result in MLG or NLG failure and cause airplane damage or airplane controllability problems during takeoff, landing, or taxi operations.

Relevant Service Information

Pilatus has issued Service Bulletin No. 32–018, dated March 6, 1998, which specifies procedures for replacing the seal unit, on both MLG legs and the NLG leg, with improved design seal units.

The FOCA of Switzerland classified this service bulletin as mandatory and issued Swiss AD HB 98–069, dated March 23, 1998, in order to assure the continued airworthiness of these airplanes in Switzerland.

The FAA's Determination

This airplane model is manufactured in Switzerland and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the FOCA has kept the FAA informed of the situation described above.

The FAA has examined the findings of the FOCA; reviewed all available information, including the service information referenced above; and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of the Provisions of the Proposed AD

Since an unsafe condition has been identified that is likely to exist or develop in other Pilatus PC–7 airplanes of the same type design registered in the United States, the FAA is proposing AD action. The proposed AD would require replacing the seal unit on both MLG legs and the NLG leg. Accomplishment of the proposed installation would be in accordance with Pilatus Service Bulletin No. 32–018, dated March 6, 1998.

Cost Impact

The FAA estimates that 5 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 8 workhours per airplane to accomplish the proposed action, and that the average labor rate is approximately $60 an hour. Parts cost approximately $932 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $7,060, or $1,412 per airplane.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action has been placed in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive (AD) to read as follows:

Pilatus Aircraft LTD.: Docket No. 98–CE–30–AD.

Applicability: Model PC–7 airplanes, serial numbers MSN 001 through MSN 609, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated in the body of this AD, unless already accomplished.

To prevent main landing gear (MLG) or nose landing gear (NLG) failure caused by deterioration of a MLG or NLG leg seal unit, which could result in damage to the airplane or airplane controllability problems during takeoff, landing, or taxi operations, accomplish the following:

(a) Within the next 100 hours time-in-service after the effective date of this AD, replace the seal unit on both MLG legs and the NLG leg in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of Pilatus Service Bulletin No. 32–018, dated March 6, 1998.

(b) As of the effective date of this AD, no person may install a MLG leg or NLG leg that does not have an improved seal unit installed in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of Pilatus Service Bulletin No. 32–018, dated March 6, 1998.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri 64106. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Small Airplane Directorate.

(e) Questions or technical information related to Pilatus Service Bulletin No. 32–018, dated March 6, 1998, should be directed to Pilatus Aircraft Ltd., Customer Liaison Manager, CH–6371 Stans, Switzerland; telephone: +41 41 619 6509; facsimile: +41 41 610 3351. This service information may be examined at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Note 3: The subject of this AD is addressed in Swiss AD HB 98–069, dated March 23, 1998.

Issued in Kansas City, Missouri, on May 21, 1998.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–14192 Filed 5–28–98; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–CE–03–AD]

RIN 2120–AA64

Airworthiness Directives; British Aerospace Model B.121 Series 1, 2, and 3 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Supplemental notice of proposed rulemaking (NPRM); Reopening of the comment period.

SUMMARY: This document proposes to revise an earlier proposed airworthiness directive (AD) that would have required the following on certain British Aerospace Model B.121 Series 1, 2, and 3 airplanes: installing an inspection opening in the area of the main spar web, repetitively inspecting the area at the main spar web for cracks and the area of the wing to fuselage attach bolt holes for corrosion, and repairing or replacing any cracked or corroded part. The proposed AD was the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for the United Kingdom. Since issuing the NPRM, British Aerospace has developed additional service information to that referenced in the previous proposal to include the installation of nuts of improved design at the wing to fuselage main-spar attachment fittings and the deletion of the inspection of the area of the wing to fuselage attach bolt holes for corrosion. The improved design nuts provide better torque retention than the nuts originally installed. The Federal Aviation Administration (FAA) has determined that the above-referenced changes in the revised service information should be incorporated into the NPRM, and that the comment period for the proposal should be reopened and the public should have additional time to comment. The actions specified by the proposed AD are intended to prevent structural failure of the main spar web area caused by fatigue cracking or separation of the wing caused by loose nuts at the wing to fuselage main-spar attachment fittings, which could result in loss of control of the airplane.

DATES: Comments must be received on or before July 3, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 98–CE–03–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from British Aerospace (Operations) Limited, British Aerospace Regional Aircraft, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland; telephone: (01292) 479888; facsimile: (01292) 479703. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Roger Chudy, Aerospace Engineer, Small Airplane Directorate, Aircraft Certification Service, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone: (816) 426–6932; facsimile: (816) 426–2169

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this